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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 San Francisco Division

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 WELLNESS SUPPORT NETWORK,
16 INC., a corporation,

17 ROBERT HELD, individually and as
an officer of Wellness Support
18 Network, Inc., and

19 ROBYN HELD, individually and as
an officer of Wellness Support
20 Network, Inc.,

21 Defendants.

Case No. 3:10-cv-4879 JCS

Hearing Date: TBD
Courtroom A, 15th Floor

**STIPULATION TO REVISE
SCHEDULE; DECLARATION OF
LAURA FREMONT IN SUPPORT**

22 **I. INTRODUCTION**

23 On October 28, 2010, Plaintiff Federal Trade Commission (FTC) filed its
24 Complaint (Dkt #1) in this matter. On the same day, the Court entered an initial
25 order (Dkt #3), which, among other things, (1) set January 14, 2011, as the last
26 day to meet and confer regarding initial disclosures, early settlement, ADR, and a
27 discovery plan; (2) set January 28, 2011, as the last day to file the Rule 26(f)
28 Report, complete initial disclosures or state objection in Rule 26(f) Report, and to

Stipulation to Revise Schedule - 3:10-cv-4879 JCS

1 file a Case Management Statement; and (3) set February 4, 2011 as the date for
2 the Initial Case Management Conference.

3 After the Court entered that Order, the parties filed a stipulation (Dkt #5) to
4 (1) extend to December 29, 2010, the deadline for Defendants to file an Answer
5 or to file papers responsive to the Complaint; (2) set January 14, 2011, as the
6 deadline for Plaintiff to file its opposition to any papers filed by Defendants
7 responsive to the Complaint; and (3) set a February 4, 2011, hearing on
8 Defendants' papers filed in response to the Complaint. The Court so ordered on
9 November 29, 2010 (Dkt #6).

10 The parties have recently conferred and concluded it is likely that, prior to
11 filing their Answer, the Defendants will file motions responsive to the FTC's
12 Complaint, and that once Defendants answer the Complaint, the FTC may file
13 motions relating to Defendants' Answer. Accordingly, the current deadlines to
14 meet and confer regarding initial disclosures, early settlement, ADR process
15 selection, and discovery, to complete initial disclosures, to commence the ADR
16 process, to file a Rule 26(f) Report, and to file a Case Management Statement
17 will take place before the Court makes a determination regarding such motions
18 and before the Defendants have filed their Answer to the Complaint. The parties
19 believe that the Court's rulings on matters relating to the pleadings will affect the
20 focus and framing of issues in this case. Once the Court has made its
21 determinations, the parties will be able to more accurately assess and agree upon
22 such matters as discovery, scheduling, the facts and legal issues that remain in
23 dispute, prospects for settlement, narrowing of issues, and other matters the
24 parties are required to address in their Case Management Statement. Thus, in
25 order to preserve the limited resources of the parties and the Court, and pursuant
26 to L.R. 6-2 and L.R. 7-12, the parties respectfully request that the deadlines set in
27 the *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt
28 #3) be extended by 90 days. The proposed schedule is set forth below.

II. PROCEDURAL HISTORY

On October 28, 2010, Plaintiff FTC filed its Complaint in this matter (Dkt #1). On the same day, the Court issued its *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt #3), which, among other things, set the following initial schedule:

1. January 14, 2011, last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
- file ADR Certification signed by Parties and Counsel
- file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference;

2. January 28, 2011, last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement; and

3. Initial Case Management Conference on February 4, 2011.

On November 29, 2010, pursuant to *Joint Stipulation Regarding Defendants' Extension of Time to File Papers Responsive to Complaint; Plaintiff's Extension of Time to File Opposition to Defendants' Papers Responsive to Complaint; and Date for Hearing on Defendants' Papers Responsive to Complaint* (Dkt #5), the Court entered an Order (Dkt #6) which, among other things, extended from November 26, 2010, to December 29, 2010, the deadline for Defendants to file an Answer or papers responsive to the Complaint (Dkt #6). The Order also set a deadline of January 14, 2011, for Plaintiff to file its opposition to any papers filed by Defendants responsive to the Complaint, and set a February 4, 2011, hearing on Defendants' papers filed in response to the Complaint. Left intact were the dates set in the Court's prior *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt #3).

III. PROPOSED REVISED SCHEDULE

The parties propose the following modifications to the current schedule for this case, in order that the parties can prepare their initial disclosures, discovery plan, and Case Management Statement after the Court has ruled on any motions Defendants may file relating to the Complaint, after the Defendants have filed their Answer to the Complaint, and after the Court has ruled on any motions Plaintiff may file relating to Defendants' Answer:

Event	Current Date	Proposed Date
Last day to: <ul style="list-style-type: none"> meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan file ADR Certification file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	1/14/11 [pursuant to <i>Order Setting Initial Case Management Conference and ADR Deadlines</i> (Dkt #3)]	4/14/11

<p>Last day to:</p> <ul style="list-style-type: none"> file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report, and file Case Management Statement 	<p>1/28/11 [pursuant to <i>Order Setting Initial Case Management Conference and ADR Deadlines</i> (Dkt #3)]</p>	<p>4/28/11</p>
<p>Initial Case Management Conference</p>	<p>2/4/11 [pursuant to <i>Order Setting Initial Case Management Conference and ADR Deadlines</i> (Dkt #3)]</p>	<p>5/6/11</p>

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IV. CONCLUSION

The parties respectfully request that the Court revise the schedule as set forth above.

Respectfully submitted,

DATED: December 15, 2010 ___/s/ Laura Fremont_____

LAURA FREMONT
KENNETH H. ABBE
Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

(The filer attests that concurrence in the filing of this document has been obtained from each of the other signatories.)

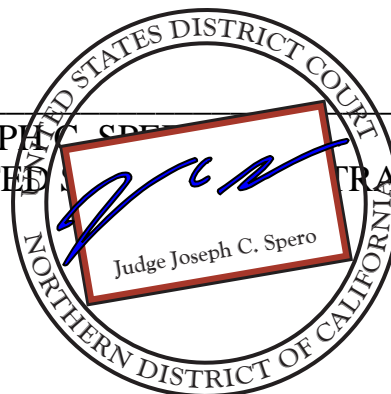
DATED: December 15, 2010 ___/s/Leslie Holmes_____

LESLIE HOLMES
Attorney for Defendants
WELLNESS SUPPORT NETWORK, INC.,
ROBERT HELD, and ROBYN HELD

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/15/10

JOSEPH C. SPERO
UNITED STATES DISTRICT JUDGE



DECLARATION OF LAURA FREMONT

I, LAURA FREMONT, declare as follows:

1. I am an attorney with the Federal Trade Commission, the plaintiff in the above-captioned action. I make this Declaration in support of the foregoing Stipulation to Revise Schedule. I have personal knowledge of each of the following facts, and would and could competently testify thereto if called upon to do so in a court of law.

2. **Reasons for the requested enlargement of time (Local Rule 6-2(a)(1)):** The current deadlines to meet and confer regarding initial disclosures and discovery, and to complete initial disclosures and to file a Case Management Statement will take place before the Court makes a determination regarding papers responsive to the Complaint, which are expected to be filed by Defendants no later than December 29, 2010, and before the Court makes a determination regarding any motions Plaintiff may file relating to Defendants' Answer. The parties believe that the Court's rulings on matters relating to the pleadings will affect the focus and framing of issues in this case. Once the Court has made its determinations, the parties will be able to more accurately assess and agree upon such matters as discovery, scheduling, the facts and legal issues that remain in dispute, prospects for settlement, narrowing of issues, and other matters the parties are required to address in their Case Management Statement.

3. **Disclosure of all previous time modifications (Local Rule 6-2(a)(2)):** The FTC filed its Complaint (Dkt #1) in this matter on October 28, 2010. Defendants' initial deadline to respond to the Complaint was November 26, 2010. On November 24, 2010, the parties filed a stipulation to extend that deadline to December 29, 2010; to set the deadline for Plaintiff to file its opposition to any papers filed by Defendants responsive to the Complaint to January 14, 2011; and to set the hearing on such matters for February 4, 2011. The Court so ordered on November 29, 2010.

1 The parties have not previously requested the Court to modify the times set
2 in the Court's *Order Setting Initial Case Management Conference and ADR*
3 *Deadlines* (Dkt #3).

4 4. **Description of the effect the requested time modification would**
5 **have on the schedule for the case (Local Rule 6-2(a)(3)):** The proposed time
6 modifications would have no effect on the date for Defendants to respond to
7 Plaintiff's complaint (as previously ordered), on the deadline for Plaintiff to
8 oppose such response, or on the date set for the hearing on these matters. The
9 requested time modifications would extend the time for those matters set in the
10 *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt
11 #3), but the parties believe doing so would add to the long-term efficient conduct
12 of this case. The tasks to be performed as required by the *Order Setting Initial*
13 *Case Management Conference and ADR Deadlines* would be performed more
14 accurately and efficiently once the Court has made its determinations on motions
15 relating to the pleadings.

16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct, and that this Declaration was
18 executed on December 15, 2010, at San Francisco, California.

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20 _____/s/Laura Fremont_____

21 Laura Fremont
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